



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
3590
UTU-0115850
(UT-923)

AUG 12 2004

CERTIFIED MAIL--Return Receipt Requested

Mr. Gordon Ziegler
Ziegler Mineral and Chemical Corp
366 North Broadway, Suite 210
Jerico, New York 11753

Re: Explorations Plan Approval, Federal Gilsonite Lease UTU-0115850

Dear Mr. Ziegler:

EXPLORATION PLAN APPROVAL

Background- The Bureau of Land Management (BLM) Utah State Office, received your exploration plan on November 23, 1999. A Categorical Exclusion (UT-080-2001-5) was written in response to your exploration plan. This exploration plan approval document constitutes the authorization granted under 43 CFR 3590 for conducting your exploration plan on the Federal gilsonite lease. The lessee is responsible for abiding by the exploration plan as analyzed including all mitigation and stipulations incorporated as part of the mine plan. This approval does not constitute any approvals required by the Division of Oil, Gas and Mining or any other permits necessary to commence operations.

Approval- The exploration plan is approved for Federal gilsonite Lease UTU-0115850 located on the Cowboy Vein. The exploration plan includes 3 angle holes on the following sites located on two track roads within the lease:

- Site 1 N 40° 04.170' W 109° 12.185'
- Site 2 N 40° 04.121' W 109° 12.076'
- Site 3 N 40° 04.244' W 109° 12.451'
- Site 4 N 40° 04.273' W 109° 12.538'

The following additional conditions of approval will apply to this action:

Conditions of Approval-

1. Within 30 days after the completion of the drilling, BLM will require the lessee to submit logs of the drill holes and any test results of the gilsonite quality in accordance with 43 CFR 3593.1

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DIV. OF OIL, GAS & MINING

2. The lessee shall notify the Vernal Field Office Geologist (Mr. Pete Sokolosky at 435-781-4501) and the State Office Mining Engineer (Mr. Stan Perkes at (801) 539-4036 2 working days prior to hole plugging. This shall be done in order to facilitate BLM's desire to witness the plugging of the holes.

Bond- There is very little to no surface impact to this plan. There is no need to separately bond this action. The Lessee has a \$120,000 bond in place. It appears that BLM has sufficient bonding to cover the liabilities for reclamation, rentals and royalties. BLM may adjust the bond amount at any time.

Appeal Rights- You have 30 days to appeal this approval to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in this office within 30 days following the date of this approval. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellants success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

For further information contact Mr. Stan Perkes at (801) 539-4036.

Sincerely,



James F. Kohler
Chief, Solid Minerals Branch

Enclosure

Form 1842-1 (1 p)

cc: Vernal Field Office
Utah Division of Oil, Gas, and Mining (Attn. Paul Baker) P.O. Box 145801, Salt Lake City, Utah,
84114-5801
Mr. Stan Wagner, Ziegler Chemical Corporation, Star Route, Vernal, Utah 84078

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. WHERE TO FILE Bureau of Land Management
NOTICE OF APPEAL Utah State Office
324 So. State St., Suite 301
Salt Lake City, Utah 84111-2303

SOLICITOR
ALSO COPY TO Regional Solicitor
Room 6201
125 So. State Street
Salt Lake City, Utah 84111
3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO
4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)
5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

SUBPART 1821.2—OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

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See 43 CFR 4.21 for appeal general provisions.